

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HARBORVIEW CPITAL PARTNERS, LLC,

Plaintiff,

v.

CROSS RIVER BANK,

Defendant.

Docket No. 2:21-cv-15146-KM-ESK

**NOTICE OF MOION TO DISMISS FOR
FAILURE TO STATE A CLAIM
PURSUANT TO *FED. R. CIV. P.* 12(b)(6)**

Return Date: November 1, 2021

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that on November 1, 2021, or such other date as set by the Court, Defendant Cross River Bank, by and through its counsel, Kaufman Dolowich & Voluck, LLP, will move before the Honorable Kevin McNulty, U.S.D.J., Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for entry of an Order dismissing the Complaint in its entirety for failure to state a claim, pursuant to *Fed. R. Civ. P.* 12(b)(6).

PLEASE TAKE FURTHER NOTICE, that in support of their motion, Defendant will rely upon the Brief and Certification of Jennifer Casazza Carter, Esq. submitted herewith. A proposed form of Order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that Defendant respectfully requests oral argument.

KAUFMAN DOLOWICH VOLUCK, LLP

BY: /s/Iram P. Valentin, Esq.

Iram P. Valentin, Esq.

Jennifer Casazza Carter, Esq.

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Attorneys for Defendant, Cross River Bank

Dated: October 4, 2021